DOCUMENT RESUME

ED 137 999 EC 100 463

TITLE	Special Education Handbook.
INSTITUTION	Alaska State Dept. of Education, Juneau.
PUB DATE	Oct 75
NOTE	28p.
EDRS PRICE	MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS	Admission Criteria; Definitions; *Educational Programs; Elementary Secondary Education; *Guidelines; *Handicapped Children; Program Administration; Program Development; *Program Planning; School Schedules; *State Legislation; *State Programs; Student Placement
IDENTIFIERS	*Alaska

ABSTRACT

Written to comply with Article 3, Chapter 30, Alaska Statutes--which mandates that all exceptional children in Alaska have a right to an appropriate education at public expense, the handbook provides information for designing instructional programs and strategies that will most effectively serve the needs of all exceptional children in Alaskan schools. Brief chapters cover the following areas: authority and responsibility for special education in Alaska; procedures for the establishment and operation of special education programs; special education program placement alternatives; public school foundation schedule--special education; exceptionality defined; other definitions; and determining eligibility for special education services. (SBH)

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ALASKA DEPARTMENT OF EDUCATION

October 1975

SPECIAL EDUCATION HANDBOOK

EC100463

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PURPOSE:

All exceptional children in Alaska have a right to an appropriate education at public expense. (Article 3, Chapter 30, Alaska Statutes) These regulations are written for the purpose of establishing the basic program parameters necessary to implement this statute, and can be viewed as a frame of reference from which Alaskan schools can design instructional programs and strategies that will most effectively serve the needs of all exceptional children.

RATIONALE:

Learning refers to natural and continuous change in performance, and performance among children is highly variable. Children whose performance is quite unusual or whose rate of learning is quite unusual are referred to as exceptional children. With exceptional children, learning to relate effectively to environments requires special opportunities to secure the necessary knowledge, competencies, and values. These special opportunities provided for exceptional children in school programs are referred to as special education.

Chapter One

AUTHORITY AND RESPONSIBILITY FOR SPECIAL EDUCATION IN ALASKA

Authority For Special Education

Provision for Special Education in Alaska

The Alaska State Constitution states that "the legislature shall by law establish and maintain a system of public schools open to all children of the State and may provide for other public educational institutions."* Operation and administration of special education programs is based on Alaska Statutes 14.30.180-350, Alaska State Law, and policies and procedures of the State Board of Education.

State educational authority

The State Department of Education "shall administer the state's program of education at the elementary and secondary levels... and shall plan finance, and operate related school of education activities and facilities." The State Board of Education employs as executive officer the Commissioner of Education. (AS 44.27.010). At the local level each borough and first class city is delegated educational responsibility for the citizens within its boundaries by statute. They function under the direction of a local board of education. They operate under the authority of Alaska legislative statutes. (AS 14.14.020-200)

Local educational authority

Responsibility For Special Education

Responsibility of the State Board of Education and the State Department of Education

The State Department of Education administered by the State Board of Education has several responsibilities. When appropriate, the State Department may:

1. Employ staff necessary to carry out the functions of the Department, including general supervision of public schools. [AS 14.07.010]

2. Establish standards relating to quality of individual or general education programs [AS 14.30.191 (D)], as well as standards regarding the educational component of public and private pre-elementary programs.

3. "Study the needs of public schools and recommend plans for improvement of public schools." [AS 14.07.020(2)]

4. "Provide advisory and consultative services to public schools." [AS 14.07.020(3)]

5. "Provide continuing education of children in detention homes with the coordination of the Department of Health and Social Services." [AS 14.07.020(5)]

6. Determine the state allowable costs for special education within the provision of the public educational foundation program. [AS 14.17.190, 14.17.200].

7. Maintain a State Special Education Plan which will provide for the development of comprehensive services delivery to all exceptional children. [PL 93-380, Title VI, B]

8. Monitor the quantity and quality of special education programs and services within local school districts. [AS 14.07.020]

9. Establish a Special Education Advisory Council jointly with the Commissioner of Health and Social Services. The council's purpose is to provide information and guidance to the Commissioners of Education and Health and Social Services [AS 14.30.231]. The council will consist of not more than 15 members representing local education agencies, state agencies, parent groups, and organizations concerned with programs and services for exceptional children. A minimum of one fourth of the membership should be parents of handicapped children. This advisory council will meet at least quarterly during the school year for the purposes of providing continuous review of the state plan and state guidelines necessary for providing an appropriate education for handicapped children in Alaska. The State Advisory Council has the authority to appoint ad hoc and steering committees in order to carry out its responsibilities.

10. Coordinate and make available to local school districts other state and federal support services. [AS 14.50.010]

Responsibility of the local school district

Each local school district assumes the responsibility to "provide for, during the school term of each year, an educational program for each school age child who is a resident of that district." [AS 14.14.090] Competent education services must be provided for the exceptional child who is at "least three years of age and for whom the regular school facilities are inadequate or not available" [AS 14.30.180]

In order to carry out AS 14.14.090, local school districts have the following responsibilities. They must:

1. Provide educational assessment of the learning, mental, and physical status of the child prior to special education placement, as well as on an annual basis. [AS 14.30.191(a)] Educational assessment shall utilize a multi-disciplinary Child Study Team approach (See Chapter 2 of this document).

2. Maintain due process procedures in the identification, evaluation and placement of exceptional children.

3. Develop and provide appropriate special education programs and services for exceptional children at the pre-school, elementary, and secondary levels within single school districts, cooperating school districts, and/or through contractual and transfer arrangements.

4. Designate administrative responsibility for special education in areas of program development, assistance to teachers, establishment and management of budgets, continuous evaluation of special education programs, etc. Each school district with 12 or more special education units is strongly encouraged to employ a full-time special education administrator.

5. Submit required forms and reports to the State Department of Education which will include information regarding the current status and future needs of special education programs and services for exceptional children.

* (Article VII, Section I: The Constitution of the State of Alaska)

Chapter Two

PROCEDURES FOR THE ESTABLISHMENT AND OPERATION OF SPECIAL EDUCATION PROGRAMS

Develop an Annual Plan of Service

Components of the Annual Plan

The Annual Plan of Service and any subsequent amendments will be considered a working agreement between the local school district and the Department of Education regarding services for exceptional children. This plan will include:

1. A statement of the district rationale regarding the overall goals for its special education program.

2. A description outlining the criteria and procedures utilized for screening, identification, diagnosis, and placement of exceptional children in appropriate special education programs and services.

3. Information regarding the numbers and kinds of exceptional children currently receiving special education programs and services, and information regarding the numbers and kinds of identified exceptional children for whom special education programs and services are being planned the next school year.

4. A statement of the procedures planned for parental consent and involvement.

5. A description of the various special education placement options currently available or anticipated.

6. A statement of the types and number of personnel within existing or anticipated special education programs.

7. A description of the methods and procedures used to evaluate the performance of individual children receiving special education programs and services, as well as the effectiveness of existing or anticipated special education programs.

8. A description of the resources, support, and technical assistance needed by the school district to initiate, strengthen, expand, and evaluate special education expenditures.

9. A detailed estimate of expected enrollments and special education expenditures.

10. A description of the administrative structure to comply with the forms and report, required in Chapter 1, page 2 and the signature by the superintendent and chairperson of the school district.

Employ Certified Personnel

Requirements for teachers of exceptional children

Special Education teachers employed to teach exceptional children must possess a valid Alaskan teaching certificate (Type A or C) with appropriate endorsement for their special education assignment, or they must receive departmental approval from the Commissioner of Education (See below for departmental approval procedures).

Special Education support personnel such as speech therapists, psychologists, and social workers must hold a Special Services Certificate, Type C, in their field, where appropriate, or a teaching certificate, Type A, with a special-field endorsement.

Special Education Administrators must hold either an Administrative Certificate, Type B, endorsed in Administration of Special Education, or a Regular Teaching Certificate, Type A, endorsed in Special Education with an Administrative Certificate, Type B.

Special Education Classroom Aides need not hold a state certificate but should evidence competencies in working with exceptional children and should work under the direct supervision of certified or approved special education personnel.

Departmental Approval procedures

Teachers or administrators who are responsible for exceptional children and who do not possess a valid Alaskan teaching certificate with appropriate endorsement for their professional assignment must be approved by the Department of Education. The teacher obtains departmental approval by submitting in writing, to the Department of Education, Office for Exceptional Children, the following:

1. A description of the teacher training program they are enrolled in that will lead to certification appropriate to their assignment.

2. An indication they will complete the training program as described in three years or less.

3. Confirmation of said enrollment from an accredited institution of higher learning.

4. A letter from the Superintendent of the LEA that describes the competencies of the teacher in question to instruct exceptional children and indicates his approval of the professional assignment and his personal assurances that all other avenues of teacher recruitment have been exhausted.

Establish and Implement Systematic Procedures for Initial Child Identification

Coordinated efforts are important in child identification

The child should be the focus of concern for special education. Each school district designates responsibility and develops procedures for initial identification of all district children ages 3-19, whether enrolled in school or not, who may be in need of special education. Identification procedures should involve the coordinated efforts of all appropriate agencies, and

participation by individual citizens should be encouraged. Each school district should maintain information regarding special education programs and services and make this program information available to public and orivate agencies, parents of exceptional children, private physicians, and other interested persons upon request. Inital identification procedures may include: systematic continuous screening process, census or surveys of in-school and out-of-school children, or referrals from parents, medical personnel, school personnel, community agencies, legal authorities, and other interested persons.

Establish Child Study Team(s)

Child study teams should give individual attention to each child

When a child has been identified as one who will potentially benefit from special education programs and services, it will be the responsibility of the school district to initiate further review and evaluation of the child's education needs before an educational placement is made. A multi-disciplinary team(s) shall provide educational evaluations of exceptional children and make appropriate educational recommendations.

Each school district or cooperating school district shall provide at least one Child Study Team which will meet on a regular basis. School districts may have more than one Child Study Team depending on the size of the district and the number of children to be served. The composition of the Child Study Team(s) may vary from child to child depending on the nature of the exceptionality, but team consistency for any given child should be maintained.

The Child Study Team should be composed of at least three members who might include the school superintendent or his designated school administrator, a regular classroom teacher, and at least one professional specialist involved in assessment of the child's performance (physician, psychologist, social worker, school nurse, special education teacher, diagnostic prescriptive teacher, etc.) Other persons who may also be included whenever appropriate include the child's parents or guardian, school principal, special education director, and other persons involved in evaluation of the child. A chairperson for the Child Study Team should be selected to review referrals and conduct meetings of the Team.

Functions of the Child Study Teams

The Child Study Teams conduct educational evaluations by collecting and examining existing school and other records to determine if the child is in need of further assessment, conducting or making arrangements for educational evaluations of children referred for special education, and by reviewing the results of the educational evaluations of children referred for special education.

Follow-up and re-evaluation activities of the Child Study Teams include:

Periodically reviewing the educational progress made by exceptional children to determine the appropriateness of the special education placement: making necessary changes in educational placement, providing appropriate follow-up of children returning to the regular education programs; and conducting an annual review of all students receiving special education programs and services.

Conduct Educational Evaluations

Components of an Educational Evaluation

Prior to special education placement and at least once per year thereafter, each exceptional child must be given an educational evaluation (See Chapter 6 of this handbook). It is the responsibility of each local school district to comply with the necessary requirements of an educational evaluation conducted by multidisciplinary Child Study Teams.

The extent of an educational evaluation depends on the nature and severity of the child's exceptionality. An education evaluation should include the following:

1. Description of the child's current functioning in the school, community, and home.
2. Measures of social and adaptive behavior.
3. Assessment of educational skills and deficits.
4. Evaluation of speech and language development.
5. Evaluation of child's cognitive abilities.
6. Medical developmental history and current health status.

Protective features required in an Educational Evaluation

Assessment instruments and procedures for an educational evaluation should be behaviorally oriented and should be selected to measure appropriate behaviors. Standards for interpreting test results must reflect general cultural expectations, but must also reflect particular local and individual expectations, including those related to ethnic identification.

Parents or guardians must be given the right to appeal the results or decisions derived from, an educational evaluation and the right to other due process regulations within the Administrative Procedures Act. [AS 14.30.191 (c)]

Confidentiality must be secured

Educational evaluation results must be maintained as confidential. However, they must be available for review by the child's parents or guardians and the Department of Education upon request. Assessment and evaluation must be conducted by appropriate and qualified personnel and should result in classifications of children for funding and reporting purposes as well as defining appropriate educational programming. Educational evaluations should not categorize and/or label children except for funding and reporting purposes.

Special Education Placement

Information needed for placement

After the Educational evaluation has been completed, the Child Study Team will meet to discuss the results and make recommendations for educational programming. The Child Study Team evaluation must include a summary of the assessment findings as well as the following information recorded on an appropriate form and signed by all team members:

1. Determination of eligibility for special education placement.

2. Determination of the type of exceptionality to be used for reporting purposes.

3. Description of educational recommendations including long and short-term objectives as well as suggestions for on-going assessment of the child's functioning.

4. Recommendations for most appropriate special education placement.

Protective features required of Special Education Placement

When making an educational placement, every effort should be made to place the child within a minimal time between initial identification and educational placement. Placement decisions must also result in the provision of services in the least restrictive environment. It is expected that exceptional children will, whenever possible, be educated in the regular education program with appropriate Special Education Support services.

All records concerning educational placement decisions must be treated as confidential, but must be available for review by the child's parent or guardians and the State Department of Education. Written consent of parents or guardians must be secured prior to special education placement of any child, and parents or guardians must be given the right to appeal placement decisions. (See next section)

Due Process Procedures

Parents must have all pertinent data

Within twenty (20) days after completion of the educational evaluation and proposed special education placement based thereon, the school district must, prior to effectuating such placement, give the parent or guardian written notice informing them of the following:

1. The completion of the educational evaluation and a description of the proposed placement.

2. The right upon request to have, at a time and place convenient to the parent or guardian, a consultation with the school district concerning the evaluation and proposed placement.

3. The right to obtain an independent evaluation and upon request, a hearing to resolve any substantial discrepancy between (a) the educational evaluation and/or between (b) the proposed placement sought by the parent or guardian.

Procedures for requesting a hearing

If the parent or guardian believes that the educational evaluation of his child is in error, he may request an independent evaluation of the child. The request should be directed to the district superintendent of his designee. All costs of the independent evaluation are to be borne by the child's parents. In cases where it is determined that said parents are unable to pay, the Commissioner of Education may authorize the state to pay all expenses. If a substantial discrepancy exists between (a) the evaluation by the school district and the indepenedent evaluation, and/or between (b) the proposed placement and placement sought by the parent or guardian, the parent or guardian may request a hearing to resolve such discrepancy and determine

Components of the "Notice of Hearing"

the appropriate educational placement for the child. If such a request for a hearing is made to the local school superintendent, notice of the hearing will be given in writing to the parent or guardian of the child. The notice will include a detailed discussion of the proposed placement, and a specification of all tests, reports, records, and other materials considered in the formulation of the educational evaluation, as well as other factors, if any, upon which the proposed placement is based. The notice should also specify the right of the parent or guardian to be represented at the hearing by legal counsel; to examine the child's school records before the hearing, including any tests, reports, or other materials considered in the formulation of the educational evaluation and other factors, if any, upon which the proposed placement is based; to present evidence, including expert medical, psychological and educational testimony; and, to confront and cross-examine any school official, employee, other witness, or agent of the school district who may have evidence upon which the educational evaluation and proposed placement was based. The time and place of the hearing will be set forth in the notice.

Specific hearing procedures

The hearing should be at a time and place reasonably convenient to the parent or guardian, and must be scheduled no later than forty-five (45) days after receipt of the request for hearing from the parent or guardian. The hearing will be closed unless both parties request an open hearing.

The chairman of the local school board will appoint a hearing officer who is in his opinion an unbiased and impartial person, and who (a) did not directly participate in the formulation of the educational evaluation or the proposed placement, and (b) does not occupy a position which is, directly or indirectly, under the jurisdiction of the school official who made the decision for the proposed placement or in any way supervised or otherwise participated in the educational evaluation process.

The decision of the hearing officer will be based solely upon the evidence presented at the hearing. The school district must bear the burden of proof as to all facts and as to the appropriateness of the educational evaluation and the proposed placement.

A tape recording or other record of the hearing will be made and made available to the parent or guardian or his counselor for a period not exceeding thirty (30) days.

At a reasonable time prior to the hearing, the parent or guardian, or his counsel will be given access to all official records of the school district pertaining to his child, including any tests, reports or other materials considered in the formulation of the educational evaluation and other information, if any, upon which the proposed placement is based.

The parent or guardian, or his counsel, will have the right to present evidence and testimony at the hearing, including expert medical, psychological or educational testimony. Pending a determination by the hearing officer, the school district will take no action to effectuate the proposed placement if the child's parent or guardian objects to such action. Such objection must be in writing and postmarked within five (5) days of the receipt of the notice of hearing above.

Within thirty (30) days after the hearing the hearing officer must render a decision in writing determining the appropriate educational placement for the child. This decision will include findings of fact and will be filed with the school district board and sent by registered mail to the parent or guardian and his counsel. The decision is final and binding on all parties unless appealed within 30 days as provided in Rule 45 of the Rules of Appellate Procedure of the State of Alaska. [Authority; (AS 14.30.191(b)(c)]

Maintain Appropriate Records of Pupil Progress as Well As Other Appropriate Special Education Program Data

Data required of local districts

Each local school district is required to maintain descriptive information about the quantity and quality of special education programs for review by the State Department of Education. This information will include but is not limited to the following:

A summary of each student's evaluation results.

Signed parental permission form for placement.

Pupil enrollment data.

Continuous pupil progress records.

Summary of special education program progress and effectiveness.

Information concerning the status of special education personnel.

Financial data.

Other information requested by the State Department of Education.

Chapter Three

SPECIAL EDUCATION PROGRAM PLACEMENT ALTERNATIVES

General Placement Guidelines

Placement must be highly individual

The best placement option for an exceptional child is the total configuration of possible program services which has the highest probability for assisting the child in reaching long-range goals and short-range objectives. Appropriate placement options for services are those that historically have proven functional for children. Placement options will be selected according to individual student goals and objectives which have been determined after an educational evaluation.

In considering placement options, the district must give preference to those Special Education placements for exceptional children in or near their resident school district [AS 14.30.285(a)]. Further preference shall be given to those placements which maintain the exceptional child as closely as possible to the regular classroom program. In no case can a child be placed in a special education program outside his district without written consent of his parent or guardian [AS 14.30.285(f)].

Regular Classroom Placement with Specialized Support

If the assessment of learner needs indicates that the pupil's exceptionality is not severe, regular classroom placement with some level of support is the preferred placement option. Such support could include:

1. The provision of specialized materials for use by the regular teacher to provide needed service.

2. Consultative support to the regular classroom teacher in planning and implementing programs to meet the child's needs, from a staff resource teacher, or from a district or regional resource person.

3. Itinerant instructional services provided in class to the exceptional child by a staff resource teacher, or by a district or regional itinerant specialist.

Regular Classroom Placement Supplemented with Resource Room Placement

When the diagnostic assessment of an exceptional pupil indicates that intensive individualized programming outside the regular classroom is appropriate, resource room placement may be utilized. Resource rooms may be established to serve a building or local district (depending on accessibility) and should be staffed with trained personnel who are able to assess instructional programs. Such special individualized instruction may also be provided by a district or regional itinerant specialist outside the regular class. In general, such resource room placement should be highly supportive of the regular class program, and should not remove the pupil from his regular class for more than three hours per day. Such placement could, of course, involve much less than two hours per day.

Self-contained program

A self-contained classroom or other specialized facility may be operated by a school district in order to provide specialized instruction exclusively to severely handicapped pupils who spend three or more hours per day in that classroom. Pupils in self-contained classrooms should have access, when needed, to all other support services.

Home and hospital programs

Instruction in the home or in a hospital by an itinerant teacher, should be considered when the diagnostic assessment indicates that the exceptional pupil is:

1. Unable to tolerate or adapt to the learning conditions usually found in a school setting on either a full or partial day basis; or,

2. temporarily or permanently physically or medically disabled to such an extent that attendance would involve serious risk to the pupil's welfare.

This placement option should be considered only when other alternative placements in the district have been exhausted. The instructional services should be provided by an itinerant specialist who has competencies in individualizing instructional programs and who has access to a local or regional learning resource center. If provided, ten hours of instruction per week will generate an FTE of 1.0 in average daily membership when computing state foundation program support [AS 14.30.305].

Institution program

Children with problems so severe that they require 24 hour residential care may, with the approval of the Commissioner of Education [AS 14.30.285(b)], be referred to the State Department of Health and Social Services for possible institutional admittance.

Contracts and transfers: vehicles to insure appropriate service when the district cannot provide

In certain instances, a local district can contract with a state approved educational agency to provide educational services for a group of exceptional children who reside in or have been transferred to the district. The Alaska Department of Education, at the discretion of the Commissioner of Education, may also contract with a local district, institution, or other educational agency to provide educational services to exceptional children when services would not otherwise be available to those children.

When a group contract arrangement is used, the contract shall not release the district from its responsibility for and control of the quality of the educational program provided. Such a contract must include the following elements:

1. Description of the services to be provided.

2. Description of the setting in which services are to be provided.

3. The child's (or children's) resident district(s) when applicable.

4. Description of how contracted personnel are to be supervised.

5. Description of how services are to be coordinated with the school district activities.

6. Provisions to insure that at least quarterly notes and records will be maintained by the contractor on the educational and related progress of each individual child. Such notes or records will be summarized at least quarterly and forwarded to the contracting district.

7. Methods of determining charges and reimbursement.

8. Total dollar amount of contract.

9. Duration of contract.

10. Specification of frequency of contract review.

11. Assurances that the contracted educational personnel and services meet all licensing and/or certification requirements for special education.

12. Assurances that contracted services are to be provided in compliance with existing Alaska State school law and Department of Education regulations.

13. Specification of the terms whereby the contract may be altered or terminated.

14. Signatures of authorized district, personnel and the institution. Contracts between districts and the State Department of Education must also be signed by the Commissioner of Education or his authorized representative.

Transfer of students for special education

When the local district does not have adequate resources to provide an appropriate program for an exceptional pupil, it may initiate a transfer to place the pupil in an appropriate program. Since a transfer involves a change in the educational program status of the child, written consent of the parent or guardian is required before such a transfer can be effected. There are several different types of transfers that may be effected for students needing special services. They are: Ward-of-the-State, Inter-District, and Out-of-State. All Inter-district and out-of-State transfers must have prior approval of the Commissioner of Education [AS 14.30.285(b)].

Ward-of-State

The student who is a ward of the state can be placed by a state agency in an educational program (with or without parental permission) outside his residential district. Two alternative placements are possible:

1. The student may be placed directly in a state institution.

2. The student may be placed within a district program other than an institution. The student is then treated as an interdistrict transfer and the Alaska Department of Education pays the local tuition rate to the district.

If placed by federal agencies, all costs are paid by the federal government.

Inter-District Transfers

If the transfer is for evaluation purposes, a short term memorandum (form 05-156-11)is used between the sending and receiving districts. If approved by the Commissioner of Education, the full cost of the evaluation will be the responsibility of the State.

If the transfer is from a Regional Education Attendance Area (REAA) to an independent school district and the child can live at home, the REAA pays the receiving district's tuition rate. If the child cannot live at home, the state assumes total costs less the receiving district's tuition rate for which the REAA are responsible. Military status has no bearing on placement.

In transfers between two school districts, the sending district pays the receiving district an amount equal to the sending district's tuition rate and the state bears all other expenses.

The previous two instances, a memorandum of agreement form (05-252-24) is submitted to the Commissioner of Education for his approval of the student's transfer.

Out-of-State Transfers

This alternative would involve a special program placement outside the State of Alaska when local and other in-state options are not available to an exceptional pupil. Such placements are reserved for those extreme cases where the severity and type of exceptionality is such that no instate placement can be made. All out-of-state program placements are made by the Commissioner of Education [AS 14.30.288(c)], and 100% of the costs of such placement are assumed by the Department of Education.

Chapter Four:

PUBLIC SCHOOL FOUNDATION SCHEDULE: SPECIAL EDUCATION

State and Local effort is calculated on the generation of Average daily membership (ADM) or its Full Time Equivalent (FTE). The formula as contained in AS 14.17.041(d) is:

ADM Full-Time Equivalent	No. Instructional Units
5—8	1
9—15	2
16—24	3
25—35	4
36 and over	4 plus 1 for each 11 pupils or fraction of in Full-Time Equivalency.

Criteria for the Annual Plan

The districts' Annual Plan of Service for Special Education when approved:

Will indicate maximum level of funding (FTE) allowable.

Will authorize foundation fund awards to a district.

Will include no special education teaching personnel with a pupil teacher ratio in excess of 15 FTE to 1.

Will include no full-time aides (under the direct supervision of a special education teacher) with a FTE aide ratio in excess of 5 to 1.

May result in a reduced FTE ceiling if some component of the Annual Plan is not facilitated.

Amendments

Amendments to the Annual Plan of Service:

Must delineate changes in resources needed to meet changing program demands.

Require resubmittance of Form 05-244-24.

Reporting

Requirements for reporting

Form 05-244-24 must accompany all new Plans of Service or Amendments and Districts must report anticipated expenditures. Special education expenditures are those costs incurred by a school district for the education of its exceptional children in excess of the cost of basic education. The amounts reported must agree summatively with function codes 200 & 300 (Financial Accounting Manual for Public Schools) for all state foundation monies expended in the district's Special Education program.

Inconsistencies between a district's Annual Plan of Service and its projected budget must be reconciled prior to the first quarter foundation payment authorization.

Regular school personnel providing services may not pro-rate salaries between special education, and/or regular education and/or vocational education and/or administration.

Districts must maintain a single list of all children having been certified and in receipt of special education services during the school year. No child shall be reported more than once on this listing. Records for aggregate days of special education membership must be maintained. All records must be kept for three years.

No final payment of foundation funds will be made to a district that has not completed its end of year report (Form 05-249-24). No final payment of foundation funds will be made to districts that do not employ certified or approved personnel as set forth in Section 2.2 of these regulations.

Special Attendance

In the computation of foundation units for special education support, each district will usually be treated as a single unit. Special attendance areas will not be allowed without specific written approval from the Commissioner of Education. Districts should not consider applying for a special attendance area for a component of its special education program unless that component reflects a state-wide or region-wide effort i.e., the Alaska State Program for the Deaf.

Full Time Equivalencies (FTE)

Levels of services determine full-time equivalents

Full time equivalencies will be determined by levels of services offered exceptional children. Level 1 will include those exceptional children in need of minimal special education programming. Programs might include services to speech handicapped youngsters or other mildly handicapped exceptional children. In all cases service delivery systems will be integrated resource support programs. Level one equals .25 FTE.

Level 2 is in conjunction with regular classroom instruction. From one-fourth to one-half of this child's educational program must be of special services nature. The instruction or therapy could consist of several different sessions with different specialists, or the time could be spent in a self-contained special education resource support room. Examples of services provided at this level would be more intensive speech therapy, braille, or adaptations in certain basic skill subjects. Level 2 equals .50 FTE.

Level 3 children would be those who must receive, in addition to the regular educational program, between one-half to three-fourths "special" direct instruction. Level 3 equals .75 FTE.

Children at Level 4 are those who are so severely handicapped that they must receive intense special education programming. The most severely handicapped children at this level might spend the entire school day in special education classes. This level would apply to children in special education classes in the regular schools and also to those who attend special service centers. This level also includes hospitalized and homebound children who receive 10 hours of instruction per week. Level 4 equals 1.0 FTE.

Chapter Five:

EXCEPTIONALITY DEFINED

Exceptionality for educational purposes is necessarily defined in terms of performance in usual educational activities. Educational performance is often related to medical problems (organic pathology), however, the processes of medical problems is not a sufficient basis for classifying a child as educationally exceptional unless it can be shown that said problem is deterimentally affecting the child's learning process.

Mental retardation

Generalized deficiency in adaptive ability with performance significantly below expected performance in motor, self help, social, language, and vocational areas. Standards must provide protective features defined in Chapter 2.

Physical disability

Congenital or acquired muscular, skeletal, sensory, neurological or other organic deficiencies which preclude successful performance in usual educational activities.

Blindness: Severe visual impairment requiring dependence on other senses in all educational activities.

Partial Sightedness: Visual impairment but with sufficient vision for adequate performance with the use of visual aids and modified instructional materials and methods.

Deafness: Severe hearing impairment requiring dependence on other senses for all educational activities.

Hearing Impairment: Hearing loss but with sufficient residual hearing for adequate performance with the use of hearing aids and/or modified instructional materials and methods.

Motor disability: Defective bones, joints, muscles or nerves which result in mobility problems significantly reducing participation in usual classroom activities. Medical diagnoses may include conditions such as post-poliomyelitis, brittle bones, muscular dystrophy, arthropathies, and chorea.

Neurological Impairment: Neurological defects which significantly restrict participation in usual classroom activities. Medical diagnoses may include conditions such as cerebral palsy or epilepsy.

Health Impairment: Health conditions which result in reduced ability to participate in usual classroom activities. Medical diagnoses may include conditions such as asthma, heart disease, hemophilia.

Emotionally Disturbed

Severe deficiencies in group participation, awareness and/or understanding of self and environment which significantly reduces participation in usual classroom activities.

Learning Problem

1. *Speech Impairment*: Defects in speech which significantly interfere with communication.

2. *Specific Learning Disability*: Disorders in one or more of the basic processes involved in understanding or in using spoken or written language. A child may have a specific learning disability in: reading, spelling, writing, arithmetic, listening, thinking or talking.

Multiple Disability

Combinations of impairments or disabilities.

Giftedness

Consistent significant superior general intellectual ability. Giftedness may be observed in specific academic areas; creative or artistic abilities or leadership activities.

Chapter Six:

OTHER DEFINITIONS

Educational Evaluation

A multifactored evaluation which defines the parameters of a child's assets and deficits in all logical curricular areas, as well as his functioning in the school, home and community. The education evaluation process includes both a diagnostic evaluation and an assessment of needs. (See definitions of diagnosis(es) and assessment.)

Diagnosis(es)

The procedure or procedures by which child performance and ability to perform are defined. Procedures may include assessment of level of intellectual capacity (IQ), hearing acuity, visual acuity, motoric functions, etc. The outcome of the diagnostic process is that the child's ability and performance are described well enough to evaluate the appropriateness of regular or special education placement. Diagnostic information may also have applicability in making more specific placement decisions (e.g., if a child is seriously visually impaired, provisions will have to be made in placement to use large print materials and perhaps other special instructional materials). Diagnostic information is not sufficient, however, to make refined placement decisions. Accurate assessment of skill deficits and assets provide the additional information needed for more precise determination of appropriate educational programming.

Assessment

Procedure by which the exceptional child's skill levels are determined for all relevant curricular areas. A thorough assessment might include determining academic skills and knowledge present and absent (reading, math and appropriate content subjects), language skill level, social skills present and lacking, fine and gross motor skills, etc. On the basis of a thorough assessment of an exceptional child's needs, appropriate short-range educational objectives and instructional programs to meet those objectives can be designed.

Initial Identification

Any procedure or set of procedures (school entry screening, child census or survey, parent or teacher referral, etc.) which leads to the location of a potentially exceptional child.

Least Restrictive Environment: (Least Restrictive Alternative)

That placement option which maintains the exceptional child as close to the mainstream as possible, given the child's special education needs. This does not mean that all children, regardless of exceptionality should be placed in the regular classroom. It means that when placement options are being considered, preference should be given that option which will place the child, as closely as possible, within the regular school program.

Long-range Goals

Long-range educational goals are the Child Study Team's best statements of where a given exceptional child should be in the educational system in the future (in one, in three, or in five years). Such goals can be defined in terms of behavioral statements (e.g., the child will have a saleable vocational skill, be able to manage a checking and savings account, etc.), as well as in-service need statements (e.g., the child needs a vocational/career education aimed at developing saleable skills, skills in money management, etc.).

Short-range Objectives

Short-range objectives are the teacher's best statements of what the child should be doing within the next year. Short-range objectives can be stated behaviorally (e.g., the child will be able to recognize money, both currency and coin, in amounts up to $10), as well as in terms of curriculum units needed by that child (e.g., the child needs a curriculum unit on recognizing and counting money, on time telling, etc.).

Due Process

In legal terms, due process means the fair administration of the law. In education this concept has been applied to the right of parents to review educational decisions which effect a child's program, to receive a fair and impartial hearing in reconsideration of educational decisions, and the right of parents and children of majority age to review school records, etc.

Chapter Seven:

DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

Introduction

Attention to cultural diversity is critical in Alaska

Standardized tests are widely used in assessment related to educational evaluation, and in assessment of ability. Careful interpretation of test results is always necessary when considering the status of any individual child or of any group of children with backgrounds which vary from the general population. In Alaska, cultural diversity requires extreme caution in interpreting all results.

Testing can be meaningful if done thoughtfully

There are no simple rules to apply in testing or interpreting tests for a given child. Providing test instructions, or even translating the test into the child's native tongue (if that is possible), may help in gaining more meaningful results. Using trained assessment personnel who are well versed in the culture of the child, or best of all, from that culture, would probably also provide very meaningful results. Utilizing competent professional teams for assessment and interpretation provides the best assurance of valid decisions.

Special education is not intended to focus upon cultural divergence as a handicapping condition

For individuals or for groups of children not successful in regular classrooms, it is the responsibility of the school district to develop appropriate programs to meet the needs of those children. It is the clear intent of the legislature, however, that programs designed primarily to deal with culturally divergent children should not be used to generate Public School Foundation Units for Special Education. The function of these eligibility guidelines then, is not to insure that labels are systematically applied to exceptional children. In no case should a school district feel that the determination of eligibility is sufficient grounds for determining the kind of placement required to meet a child's special needs — that final placement determination must await a specific educational needs assessment for that child. (See Chapter 2 of this document). These eligibility guidelines are designed primarily to insure that the extra resources available through the special education schedule of the Public School Foundation Program are provided to those children who are exceptional.

General Eligibility Guidelines

Several general guidelines for determining the eligibility of a child for special services do apply, regardless of the child's cultural background or exceptionality:

1. The child must be of legal school age in Alaska. For exceptional children, this is 3—19 years of age.

2. And, the child must be functioning at a level significantly below the average for his peer group of the same age and cultural background (or significantly above average for the talented or gifted child).

3. The child must be unable to learn successfully (up to his potential) in the regular school program without special supportive services.

Specific Eligibility Criteria

Mentally retarded

Mental Retarded child can be eligible for special education after being evaluated and recommended for special education placement by the Child Study Team with consideration given to the following criteria.

1. Intellectual performance, based on appropriate age level measures and interpreted by qualified personnel who are aware of the cultural and language differences, which shows intellectual potential to at least one and 2/3 standard deviations below the mean.

2. Social and adaptive behavior equal to 3/4 or less of chronological age.

3. Expressive and receptive language performance equal to 3/4 or less of chronological age.

Visually handicapped

A Visually Impaired/Partially Sighted child can be eligible for special education placement if the child exhibits deficiencies in the regular school program as determined by the Child Study Team, and

1. the child has a handicapping visual acuity as determined by an eye specialist or qualified physician.

2. a qualified physician or eye specialist recommends special services requiring the use of non-standard instructional materials or aids designed to facilitate the child's learning.

Blind

A child can be eligible for special education placement if the Child Study Team so determines after:

1. His or her visual acuity is 20/200 or less in the better eye with correction;

2. Or, his or her visual perception is impaired by a field deficit in which the visual field subtends an angle no greater than 20 degrees ("tunnel vision").

3. A qualified physician or eye specialist indicates that functional vision is virtually absent for purposes of learning and that special services utilizing primarily other sensory modalities are required.

Hard of hearing

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child has a handicapping hearing loss as determined by an audiologist or physician.

2. Evaluation indicates that special instructional techniques and/or equipment are needed in order to facilitate learning through the auditory modality.

Deaf

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child has a severe hearing loss that interferes with speech and language development as determined by an audiologist or qualified physician.

2. Evaluation indicates that special instructional techniques utilizing other sensory modalities are required in order to facilitate learning.

Orthopedically handicapped

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child, because of the nature of his or her handicap, cannot participate safely and profitably in the regular education program without specialized equipment and instructional methods.

2. A qualified physician or orthopedic specialist determines that the child suffers from a motoric, skeletal or other orthopedic impairment and recommends special education placement.

Severely neurologically impaired

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child is diagnosed by a qualified physician or neurologist as having a neurological impairment which results in an educationally significant deficit(s) in one or more of the following areas: motor, sensory-motor, perceptual, cognitive or behavioral.

2. The child lags significantly in educational progress when compared to peers of like age and culture (2 or more years behind).

Other health impairments

A child can be eligible for special education placement if a physician as a member of the Child Study Team certifies that the child is unable to benefit from a regular school program due to a chronic ailment or condition or acute condition which makes attendance in a regular program without special support, or regular attendance unadvisable.

Multiply Handicapped

A child can be eligible for special education placement if the Child Study Team determines that:

1. They meet the criteria for special education placement in more than one area of exceptionality.

2. The nature of their multiple handicapping condition is so severe they cannot adapt to a special program specifically designed for one major handicap.

Learning problems

Speech Impaired - A child can be eligible for special education placement if:

1. A qualified professional as a member of the Child Study Team determines that the child has a significant deficiency in oral communication. (NOTE: When a speech disorder involves hoarseness, a physician's diagnosis is required before speech therapy can begin. In some instances, the presence of a hoarseness condition can be aggravated by speech therapy.)

2. Has a deficiency in reception of oral language not related to auditory acuity.

3. Has a deficiency in organizing information.

Specific Learning Disabilities — A child can be eligible for special education placement if the child has a significant deficit in two or more of the following cognitive learning areas: reading, writing, spelling, arithmetic, listening, thinking or talking skills, as determined by the Child Study Team. Such deficits should indicate a delay of one year or more up to the third grade, and of two years or more beyond the third grade. Any child with a 9th grade skill level in all the above areas cannot be considered learning disabled; therefore, the child could not qualify for placement under the eligibility criteria for any other exceptionality.

Severe emotional Problems

A child can be eligible for special education placement if a psychiatric or psychological evaluation (by an appropriate Child Study Team) shows a reasonable indication of social-emotional disturbance. Any disturbed child who is to receive special education services should be under the active, routine attention of qualified medical or psychological personnel.

Gifted and talented

Children capable of high performance (Two and one third standard deviations above the norm when compared to peers of like age and culture) on an individual intelligence test as determined by an appropriate Child Study Team, and with demonstrated achievement and/or potential ability in any of the following areas, singly or in combination:

1. Specific academic aptitude

2. Creative or productive thinking

3. Leadership ability

4. Visual and performing arts

5. Psychomotor ability